

## REMARKS / ARGUMENTS

Claims 1-27 are currently pending and Claim 30 has been added. Claim 30 is supported by the originally filed claims and specification including, for example, Figure 4 and page 5, paragraph 85 through page 6, paragraph 97. No new matter has been added by way of amendment. In view of the foregoing remarks, reconsideration, withdrawal of all rejections and a Notice of Allowability are respectfully solicited.

Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Anderson et al. (US Patent 6,880,722). Applicant respectfully traverses each and every aspect of this rejection.

Applicant considers there are a number of differences between Anderson and the pending claims such that they are not obvious. Anderson is directed towards a medicament dispensing device while the claimed invention is directed towards a blister form medicament pack. At column 21, lines 4-19 of Anderson it is stated "FIG. 4 shows a medicament carrier 350 for use herein...[comprising] a peelable blister strip 352 defining a plurality of pockets 354a, 354b each of which contains a dose of medicament which can be inhaled". This passage of Anderson further describes that "[t]he strip comprises a base sheet 365 in which blisters are formed to define the pockets 354a, 354b and a lid sheet which is hermetically sealed to the base sheet except in the region of the blisters" and that "the lid and base sheets are each preferably formed of a plastics/aluminum laminate and are preferably adhered to one another by heat sealing". No further details regarding the medicament carrier are forthcoming in Anderson.

The disclosure in Anderson pertaining to the medicament carrier is to be contrasted to the instant claims which concern a blister form medicament pack

comprising a base sheet and a lid sheet peelably sealable to the base sheet, one and/or other of the sheets having:

*a laminate structure comprising (a) a first layer of aluminium foil; and (b) a second layer of polymeric material of thickness from 10 to 60 micron, said polymeric material having a water vapour permeability of less than 0.6 g/(100 inches<sup>2</sup>) (24 hours) (mil) at 25 °C.*

There is no disclosure in Anderson of what the plastics material in the medicament carrier is, and thus the person having ordinary skill in the art (PHOSITA) would use a plastics material which is conventionally known for use in medicament carriers of the type disclosed in Anderson, for instance polyvinyl chloride (PVC) (see present application, page 2). To this end, the PHOSITA would recognize that as Anderson places no emphasis on what the plastics material should be, this is evidence Anderson expects the PHOSITA to use the conventionally known materials.

However, as further indicated in the present application at page 2, the water vapour permeability requirement of the claimed invention is achieved with materials not conventionally known for blister form medicament packs, non-limiting examples of which are set forth in claim 2. The water vapour permeability requirement in the claimed invention means that the resistance to moisture ingress into the blister pack through the polymeric layer is reduced compared to the case where a conventional polymeric material is used.

Anderson does not provide any suggestion or motivation to use a plastics material with *inter alia* the water vapour permeability in accordance with the claims at issue. In fact, the conventionally known materials for the field of the claimed invention teach the PHOSITA away from the claimed invention.

*In re Leshin*, , 227 F.2d 197, 125 USPQ 416 (CCPA 1960), has been cited by the Office in support of the current rejection. In *Leshin* the suitability of each plastic for making a container for an intended use was considered by the court to be apparent to those of ordinary skill in the art. The present case differs from *Leshin* in that the polymeric materials which provide the water vapour permeability of the claimed invention were not conventionally known in the blister pack field *supra*. The Examiner has not provided any corroborating evidence that the PHOSITA would select a polymer for the Anderson blister pack laminate with *inter alia* the water vapour permeability as claimed, especially as this requirement is not met by the polymeric materials conventionally known for blister packs. Following *Leshin*, the conventionally known polymeric materials for blister packs are the “known materials” from which the PHOSITA would “select”. In applying *Leshin* in this case, the Examiner appears to be making inadmissible use of knowledge of the claimed invention.

It should also be recalled that Anderson is concerned with a medicament dispensing device, and that the medicament carrier is a peripheral consideration to the teaching of Anderson. For this reason, Anderson is not a suitable vehicle for a PHOSITA to improve on the known medicament carriers of blister pack form. The PHOSITA would be keen to understand the device (not the carrier) and how it may be improved or enhanced. The Examiner makes no showing to establish otherwise.

In view of the above, a withdrawal of the rejection under 35 U.S.C. § 103 is respectfully solicited.

All claim rejections being addressed in full, Applicant respectfully requests the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicant respectfully requests that the Examiner contact the undersigned, who can be reached at (919) 483-9616.

Respectfully submitted,

Dated: 10-14-2008

A handwritten signature in black ink, appearing to read "Robert J. Smith", written over a horizontal line.

Robert J. Smith  
Attorney for Applicant  
Reg. No. 40,820  
Tel. (919) 483-9616  
Fax. (919) 483-7988